

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

ARNO NAZARYAN
8410 Springford Drive
Sun Valley, CA 91352

Registered Nurse License Application

Respondent

Case No. 2010-584

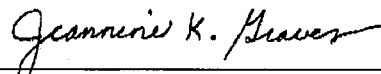
OAH No. 2010060941

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **June 10, 2011**.

IT IS SO ORDERED **May 10, 2011**.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GLORIA A. BARRIOS
Supervising Deputy Attorney General
4 State Bar No. 94811
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2540
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

13 **ARNO NAZARYAN**

14 **8410 Sringford Drive**
Sun Valley, California 91352
15 **Registered Nurse License Application**

16 Respondent.

Case No. 2010-584

OAH NO. 2010060941

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
22 Registered Nursing. She brought this action solely in her official capacity and is represented in
23 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Gloria A.
24 Barrios, Supervising Deputy Attorney General.

25 2. Arno Nazaryan (Respondent) is represented in this proceeding by Michael R. Rubin,
26 Esq., of Michael R. Rubin & Associates, located at 18321 Ventura Blvd., Suite 815, Tarzana,
27 California 91356.
28

3. On or about December 7, 2009, the Board of Registered Nursing received an application for a Registered Nurse License from Arno Nazaryan (Respondent). On or about November 20, 2009, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The application was denied on February 8, 2010.

JURISDICTION

5. Statement of Issues, Case No. 2010-584 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on May 18, 2010. Respondent timely filed his Notice of Defense contesting the Statement of Issues. A copy of the Statement of Issues, Case No. 2010-584 is attached as "Exhibit A" and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the Statement of Issues, Case No. 2010-584. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 9. Respondent agrees that the charges and allegations in the Statement of Issues, Case
3 No. 2010-584, if proven at hearing, constitute cause for imposing discipline on his registered
4 nursing license.

5 10. Respondent agrees that his Registered Nurse License is subject to discipline and he
6 agrees to be bound by the Board of Registered Nursing (Board)'s imposition of discipline as set
7 forth in the Disciplinary Order below.

8 **CONTINGENCY**

9 11. This stipulation shall be subject to approval by the Board of Registered Nursing.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
11 Registered Nursing may communicate directly with the Board regarding this stipulation and
12 settlement, without notice to or participation by Respondent. By signing the stipulation,
13 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
14 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
15 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
16 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
17 the parties, and the Board shall not be disqualified from further action by having considered this
18 matter.

19 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
20 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
21 effect as the originals.

22 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
23 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
24 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
25 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
26 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
27 writing executed by an authorized representative of each of the parties.
28

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following

Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that the application of Respondent Arno Nazaryan for license as a Registered Nurse License is hereby granted. Upon successful completion of all license requirements, a license shall be issued to Respondent. Said license shall be immediately revoked, the order of revocation stayed and Respondent is placed on probation for two (2) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license

1 status with the Board, including during any period of suspension.

2 Upon successful completion of probation, Respondent's license shall be fully restored.

3 **3. Report in Person.** Respondent, during the period of probation, shall
4 appear in person at interviews/meetings as directed by the Board or its designated representatives.

5 **4. Residency, Practice, or Licensure Outside of State.** Periods of residency
6 or practice as a registered nurse outside of California shall not apply toward a reduction of this
7 probation time period. Respondent's probation is tolled, if and when he resides outside of
8 California. Respondent must provide written notice to the Board within 15 days of any change of
9 residency or practice outside the state, and within 30 days prior to re-establishing residency or
10 returning to practice in this state.

11 Respondent shall provide a list of all states and territories where he has ever been licensed
12 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
13 information regarding the status of each license and any changes in such license status during the
14 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing
15 license during the term of probation.

16 **5. Submit Written Reports.** Respondent, during the period of probation,
17 shall submit or cause to be submitted such written reports/declarations and verification of actions
18 under penalty of perjury, as required by the Board. These reports/declarations shall contain
19 statements relative to Respondent's compliance with all the conditions of the Board's Probation
20 Program. Respondent shall immediately execute all release of information forms as may be
21 required by the Board or its representatives.

22 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
23 state and territory in which he has a registered nurse license.

24 **6. Function as a Registered Nurse.** Respondent, during the period of
25 probation, shall engage in the practice of registered nursing in California for a minimum of 24
26 hours per week for 6 consecutive months or as determined by the Board.

27 For purposes of compliance with the section, "engage in the practice of registered nursing"
28

1 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
2 non-direct patient care position that requires licensure as a registered nurse.

3 The Board may require that advanced practice nurses engage in advanced practice nursing
4 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

5 If Respondent has not complied with this condition during the probationary term, and
6 Respondent has presented sufficient documentation of his good faith efforts to comply with this
7 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
8 extension of Respondent's probation period up to one year without further hearing in order to
9 comply with this condition. During the one year extension, all original conditions of probation
10 shall apply.

11 **7. Employment Approval and Reporting Requirements.** Respondent shall
12 obtain prior approval from the Board before commencing or continuing any employment, paid or
13 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
14 performance evaluations and other employment related reports as a registered nurse upon request
15 of the Board.

16 Respondent shall provide a copy of this Decision to his employer and immediate
17 supervisors prior to commencement of any nursing or other health care related employment.

18 In addition to the above, Respondent shall notify the Board in writing within seventy-two
19 (72) hours after he obtains any nursing or other health care related employment. Respondent
20 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,
21 regardless of cause, from any nursing, or other health care related employment with a full
22 explanation of the circumstances surrounding the termination or separation.

23 **8. Supervision.** Respondent shall obtain prior approval from the Board
24 regarding Respondent's level of supervision and/or collaboration before commencing or
25 continuing any employment as a registered nurse, or education and training that includes patient
26 care.

27 Respondent shall practice only under the direct supervision of a registered nurse in good
28 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods

1 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
2 approved.

3 Respondent's level of supervision and/or collaboration may include, but is not limited to the
4 following:

5 (a) Maximum - The individual providing supervision and/or collaboration is present in
6 the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
8 care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
10 person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health care
12 setting, the individual providing supervision and/or collaboration shall have person-to-person
13 communication with Respondent as required by the Board each work day. Respondent shall
14 maintain telephone or other telecommunication contact with the individual providing supervision
15 and/or collaboration as required by the Board during each work day. The individual providing
16 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
17 patients' homes visited by Respondent with or without Respondent present.

18 9. **Employment Limitations.** Respondent shall not work for a nurse's
19 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
20 traveling nurse, or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
22 registered nursing supervision and other protections for home visits have been approved by the
23 Board. Respondent shall not work in any other registered nursing occupation where home visits
24 are required.

25 Respondent shall not work in any health care setting as a supervisor of registered nurses.

26 The Board may additionally restrict Respondent from supervising licensed vocational nurses
27 and/or unlicensed assistive personnel on a case-by-case basis.

28 Respondent shall not work as a faculty member in an approved school of nursing or as an

1 instructor in a Board approved continuing education program.

2 Respondent shall work only on a regularly assigned, identified and predetermined
3 worksite(s) and shall not work in a float capacity.

4 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
5 request documentation to determine whether there should be restrictions on the hours of work.

6 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall
7 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
8 than six months prior to the end of his probationary term.

9 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
10 Respondent shall submit to the Board the original transcripts or certificates of completion for the
11 above required course(s). The Board shall return the original documents to Respondent after
12 photocopying them for its records.

13 11. **Violation of Probation.** If Respondent violates the conditions of his
14 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside
15 the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

16 If during the period of probation, an accusation or petition to revoke probation has been
17 filed against Respondent's license or the Attorney General's Office has been requested to prepare
18 an accusation or petition to revoke probation against Respondent's license, the probationary
19 period shall automatically be extended and shall not expire until the accusation or petition has
20 been acted upon by the Board.

21 12. **License Surrender.** During Respondent's term of probation, if he ceases
22 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
23 probation, Respondent may surrender his license to the Board. The Board reserves the right to
24 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
25 take any other action deemed appropriate and reasonable under the circumstances, without further
26 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no
27 longer be subject to the conditions of probation.

28 Surrender of Respondent's license shall be considered a disciplinary action and shall

1 become a part of Respondent's license history with the Board. A registered nurse whose license
2 has been surrendered may petition the Board for reinstatement no sooner than the following
3 minimum periods from the effective date of the disciplinary decision:

4 (1) Two years for reinstatement of a license that was surrendered for any reason other
5 than a mental or physical illness; or

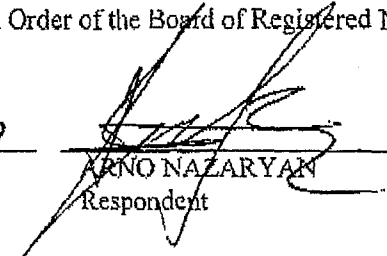
6 (2) One year for a license surrendered for a mental or physical illness.

7 13. Respondent is subject to concurrent disciplinary order(s) from the
8 Board of Vocational Nursing and Psychiatric Technicians (or other State Board). If Respondent
9 violates the order(s), this shall be deemed a violation of probationary conditions imposed by the
10 Board, and may result in the filing of an Accusation and Petition to Revoke Probation.

11 ACCEPTANCE


12 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
13 stipulation and the effect it will have on my Registered Nurse License. I enter into this
14 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
15 to be bound by the Decision and Order of the Board of Registered Nursing.

16
17 DATED: 12/21/2010

18 
19 ARNO NAZARYAN
20 Respondent

21 I concur with this Stipulated Settlement and Disciplinary Order.

22
23 DATED: 12/21/10

24 
25 MICHAEL R. RUBY, ESQ.
26 Attorney for Respondent
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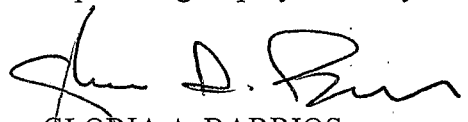
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 12/22/10

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General



GLORIA A. BARRIOS
Supervising Deputy Attorney General
Attorneys for Complainant

Exhibit A

Statement of Issues Case No. 2010-584

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 GLORIA A. BARRIOS
Supervising Deputy Attorney General
4 State Bar No. 94811
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2540
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
Against:

13 **ARNO NAZARYAN**
14 **8410 Springford Drive**
Sun Valley, CA 91352

15 **Registered Nurse License Application**
16 **Respondent.**

Case No. **2010-584**

STATEMENT OF ISSUES

18 Complainant alleges:

19 **PARTIES**

20 1. Louis R. Bailey, M.E.D., RN, (Complainant) brings this Statement of Issues solely
21 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about December 7, 2009, the Board of Registered Nursing received an
24 application for a Registered Nurse License from Arno Nazaryan (Respondent). On or about
25 November 20, 2009, Respondent certified under penalty of perjury to the truthfulness of all
26 statements, answers, and representations in the application. The application was denied on
27 February 8, 2010.
28

JURISDICTION

3. This Statement of Issues is brought before the Board under the authority of the following laws. All sections references are to Business and Professions Code (Code) unless otherwise indicated.

4. Section 480 of the Code states:

"(a) A Board may deny a license regulated by this code on the grounds that the applicant has one of the following:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action for which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

....

"(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for revocation or suspension of license;

The Board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

5. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the

1 degree of discipline or to determine if the conviction is substantially related to the qualifications,
2 functions, and duties of the licensee in question.”

3 6. Section 2761 of the Code states:

4 (a) Unprofessional conduct, which includes, but is not limited to, the
5 following:

6 (4) Denial of licensure, revocation, suspension, restriction, or any other
7 disciplinary action against a health care professional license or certificate by another state
8 or territory of the United States, by any other governmental agency, or by another
9 California health care professional licensing board. A certified copy of the decision or
10 judgment shall be conclusive evidence of that action.

11

12 (f) Conviction of a felony or of any offense substantially related to the
13 qualifications, functions, and duties of a registered nurse, in which event the record of the
14 conviction shall be conclusive evidence thereof.

15 **FIRST CAUSE FOR DENIAL OF APPLICATION**

16 **(Conviction of Substantially Related Crimes)**

17 6. Respondent is subject to denial under Code section 4521, subdivision (f),
18 in conjunction with Code sections 480, subdivision (a)(1), and 2761, subdivision (f),
19 because Respondent has been convicted of a crime that are substantially related to the
20 qualifications, functions, and duties of a licensed registered nurse. Specifically,
21 Respondent has been convicted of the following crime:

22 a. On or about January 31, 2002, after pleading nolo contendere,
23 Respondent was convicted of one count of Penal Code section 415 (2), (misdemeanor) [causing
24 loud noise] in a criminal proceeding entitled *The People of the State of California v. Arno*
25 *Nazaryan* (Sup. Ct. Los Angeles County, Case No. 7GN03724).

26 b. The underlying circumstances to the above criminal conviction is
27 that on or about May 22, 2007, Respondent, maliciously and willfully disturbed
28 another person by loud and unreasonable noise.

1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

2 (Committing Acts that Would Result in the Suspension
3 or Revocation of a Licensee's License)

4 7. Respondent is subject to denial under Code section 480, subdivision (a)(3),
5 because Respondent committed acts that would have resulted in the suspension or revocation of a
6 licensee's license as set forth in paragraph 6 above, subparagraphs (a) through (b) inclusive.

7 **THIRD CAUSE FOR DENIAL OF APPLICATION**

8 (Prior Discipline)

9 8. Respondent is subject to denial under Code section 2761, subdivision (4), in
10 that Respondent was disciplined by the Board of Vocational Nursing and Psychiatric Technicians
11 in the case, *In the Matter of Accusation Against Arno Nazaryan*, Case No VN-2006-2202.
12 Respondent was placed on three years probation with standard terms and conditions of probation.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 A. Denying the application of Arno Nazaryan for a Registered Nurse License and;
17 B. Taking such other and further action as deemed necessary and proper.

18 DATED: 05/06/2010

19 *Louise R. Bailey*
20 LOUISE R. BAILEY, M.E.D., R.N.,
21 Interim Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

Case No. VN-2006-2202

ARNO NAZARYAN
8410 Springford Drive
Sun Valley, CA 91352

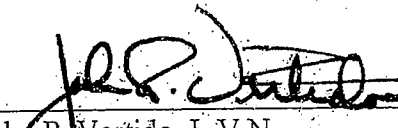
Vocational Nurse License No.
VN 226148

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 10, 2009.

IT IS SO ORDERED this 10th day of April, 2009.


John P. Vertido, L.V.N.
President

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General

3 GLORIA A. BARRIOS, State Bar No. 94811

Supervising Deputy Attorney General

4 300 So. Spring Street, Suite 1702

Los Angeles, CA 90013

5 Telephone: (213) 897-2540

Facsimile: (213) 897-2804

6 E-mail: Gloria.Barrios@doj.ca.gov

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN-2006-2202

12 ARNO NAZARYAN
13 8410 Springford Drive
14 Sun Valley, CA 91352

OAH No. 2008090377

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Vocational Nurse License No. VN 226148

15 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive
22 Officer of the Board of Vocational Nursing and Psychiatric Technicians. Complainant brought
23 this action solely in her official capacity and is represented in this matter by Edmund G. Brown
24 Jr., Attorney General of the State of California, by Gloria A. Barrios, Supervising Deputy
25 Attorney General.

26 2. Respondent Arno Nazaryan (Respondent) is represented in this proceeding
27 by Manuel H. Miller, Esq., of the Law Offices of Manuel H. Miller, whose address is 20750
28 Ventura Blvd., Suite 440, Woodland Hills, CA 91364.

1 3. On or about March 6, 2007, the Board of Vocational Nursing and
2 Psychiatric Technicians issued Vocational Nurse License No: VN 226148 to Arno Nazaryan.
3 ~~The was in full force and effect at all times relevant to the charges brought in Accusation No.~~
4 VN-2006-2202 and will expire on June 30, 2010, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. VN-2006-2202 was filed before the Board of Vocational
7 Nursing and Psychiatric Technicians and is currently pending against Respondent. The
8 Accusation and all other statutorily required documents were properly served on Respondent on
9 August 22, 2008. Respondent timely filed his Notice of Defense contesting the Accusation. A
10 copy of Accusation No. VN-2006-2202 is attached as exhibit A and incorporated herein by
11 reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, discussed with counsel, and fully
14 understands the charges and allegations in Accusation No. VN-2006-2202. Respondent has also
15 carefully read, discussed with counsel and understands the effects of this Stipulated Settlement
16 and Disciplinary Order.

17 6. Respondent is fully aware of his legal rights in this matter, including the
18 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
19 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
20 the right to present evidence and to testify on his own behalf; the right to the issuance of
21 subpoenas to compel the attendance of witnesses and the production of documents; the right to
22 reconsideration and court review of an adverse decision; and all other rights accorded by the
23 California Administrative Procedure Act and other applicable laws.

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
25 each and every right set forth above.

26 **CULPABILITY**

27 8. Respondent agrees that the charges and allegations in Accusation No.
28 VN-2006-2202, if proven at hearing, constitute cause for imposing discipline on his license.

1 Respondent admits that while providing in-home care to an elderly patient, he exercised poor
2 judgment and allowed a friend of his to accompany him into the patient's residence. Respondent
3 ~~later became aware that his friend had stolen a personal check from the patient while he was in~~
4 the residence, a crime for which his friend ultimately pled guilty. Respondent recognizes his
5 poor judgment on this occasion and his conduct in allowing his friend to accompany him into the
6 patient's residence caused substantial harm to his patient and her family, for which Respondent is
7 truly remorseful.

8 9. Respondent agrees that his Vocational Nurse License is subject to
9 discipline and he agrees to be bound by the Board of Vocational Nursing and Psychiatric
10 Technicians' imposition of discipline as set forth in the Disciplinary Order below.

11 **CONTINGENCY**

12 10. This stipulation shall be subject to approval by the Board of Vocational
13 Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for
14 Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may
15 communicate directly with the Board regarding the stipulation and settlement, without notice to
16 or participation by Respondent or his counsel. By signing the stipulation, Respondent
17 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
18 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
19 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force
20 or effect and except for this paragraph, shall be inadmissible in any legal action between the
21 parties, and the Board shall not be disqualified from further action by having considered this
22 matter. The parties understand and agree that facsimile copies of this Stipulated Settlement and
23 Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as
24 the originals.

25 **DISCIPLINARY ORDER**

26 In consideration of the foregoing admissions and stipulations, the parties
27 agree that the Board may, without further notice or formal proceeding, issue and enter the
28 following Disciplinary Order:

1 IT IS HEREBY ORDERED that the Vocational Nursing License No. VN
2 226148 heretofore issued to Arno Nazaryan is revoked. However, the revocation is stayed, and
3 his Vocational Nursing License is placed on three (3) years probation subject to the following
4 terms and conditions:

5 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws,
6 including all statutes and regulations governing the license. Respondent shall submit, in writing,
7 a full and detailed account of any and all violations of the law, including alleged violations, to the
8 Board within five (5) days of occurrence. To ensure compliance with this condition, Respondent
9 shall submit fingerprints through the Department of Justice and Federal Board of Investigation
10 within thirty (30) days of the effective date of the decision, unless the Board determines that
11 fingerprints were previously submitted by the Respondent to the Board. Respondent shall also
12 submit a recent 2" x 2" photograph of himself within thirty (30) days of the effective date of the
13 decision. If Respondent is under a criminal court order, including probation or parole, and that
14 order is violated, it shall be deemed a violation of these probation conditions.

15 2. **Compliance With Probation Program.** Respondent shall fully comply
16 with the conditions of probation established by the Board and shall cooperate with the
17 representatives of the Board in its monitoring and investigation of the Respondent's compliance
18 with the Probation Program.

19 Upon successful completion of probation, the Respondent's license will be fully
20 restored.

21 3. **Submit Written Reports.** Respondent shall submit or cause to be
22 submitted, under penalty of perjury, any written reports, declarations and verifications of actions
23 as required by the Board or its representatives. These reports or declarations shall contain
24 statements relative to Respondent's compliance with all the conditions of the Board's Program.
25 Respondent shall immediately execute all release of information forms as may be required by the
26 Board or its representatives.

27 In the first report, Respondent shall provide a list of all states and territories where
28 he has ever been licensed as a vocational/practical nurse, psychiatric technician, or registered

nurse. Respondent shall provide information regarding the status of each license and any change in license status during the period of probation. Respondent shall inform the Board if he applies for or obtains a new nursing or psychiatric technician license during the period of probation.

Respondent shall provide a copy of the Board's decision to the regulatory agency in every state and territory in which he has applied for or holds a vocational/practical nurse, psychiatric technician and/or registered nurse license.

4. Notification of Address And Telephone Number Change(s).

Respondent shall notify the Board, in writing, within five (5) days of any change in address or telephone number(s).

Respondent's failure to claim mail sent by the Board may be deemed a violation of these probation conditions.

5. Notification of Residency or Practice Outside of State. Respondent shall notify the Board, in writing, within five (5) days, if he leaves California to reside or practice in another state. Periods of residency or practice outside of California shall not apply toward a reduction of this probation time period. If Respondent resides or practices outside of California, the period of probation shall be automatically extended for the same time period he resides or practices outside of California. The Respondent shall provide written notice to the Board within five (5) days of any change of residency or practice.

Respondent shall notify the Board, in writing, within five (5) days, upon his return to California.

6. Meetings With Board Representative(s). Respondent shall appear in person at meetings as directed by the Board or its designated representatives.

7. Notification to Employer(s). When currently employed or applying for employment in any capacity in any health care profession, Respondent shall notify his employer of the probationary status of Respondent's license. This notification to the Respondent's current health care employer shall occur no later than the effective date of the Decision. The Respondent shall notify any prospective health care employer of his probationary status with the Board prior to accepting such employment. At a minimum, this notification shall be accomplished by

1 providing the employer or prospective employer with a copy of the Board's Accusation and
2 Disciplinary Decision.

3 ~~The Health Care Profession includes, but is not limited to: Licensed Vocational~~
4 Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency
5 Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary
6 technical health care positions.

7 Respondent shall cause each health care employer to submit to the Board all
8 performance evaluations and any other employment related reports as required by the Board.
9 Respondent shall notify the Board, in writing, of any difficulty in securing employer reports
10 within five (5) days of such an event.

11 Respondent shall notify the Board, in writing, within five (5) days of any change
12 in employment status. Respondent shall notify the Board, in writing, if he is terminated or
13 separated, regardless of cause, from any nursing or health care related employment with a full
14 explanation of the circumstances surrounding the termination or separation.

15 8. **Employment Requirements And Limitations.** Respondent shall work in
16 his licensed capacity in the State of California. This practice shall consist of no less than six (6)
17 continuous months and of no less than twenty (20) hours per week.

18 Respondent shall not work for a nurses' registry or in any private duty position, a
19 temporary nurse placement agency, as a faculty member in an accredited or approved school of
20 nursing, or as an instructor in a Board approved continuing education course except as approved,
21 in writing, by the Board. Respondent shall work only on a regularly assigned, identified and
22 predetermined work site(s) and shall not work in a float capacity except as approved, in writing,
23 by the Board.

24 9. **Supervision Requirements.** Before commencing or continuing
25 employment in any health care profession, Respondent shall obtain approval from the Board, of
26 the supervision provided to the Respondent while employed.

27 Respondent shall not function as a charge nurse (i.e., work in any healthcare
28 setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians,

certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

10. **Completion of Educational Course(s).** Respondent, at his own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation.

The coursework shall be in addition to that required for license renewal. The Board shall notify the Respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, Respondent shall submit "original" completion certificates to the Board within thirty (30) days of course completion.

11. **Maintenance of Valid License.** Respondent shall, at all times, maintain an active current license with the Board, including any period of suspension.

Should Respondent's license expire, by operation of law or otherwise, upon renewal or reinstatement, Respondent's license shall be subject to any and all conditions of this probation not previously satisfied.

12. **Cost Recovery Requirements.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$2,476.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board with payments to be completed no later than three months prior to the end of the probation period. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board for its investigation and prosecution costs. Failure to make payments in accordance with any formal agreement entered into with the Board or pursuant to any Decision by the Board shall be considered a violation of probation.

If Respondent has not complied with this condition during the probationary period, and Respondent presents sufficient documentation of his good faith effort to comply with this condition, and if no other conditions have been violated, the Board or its representatives

1 may, upon written request from the Respondent, extend the probation period up to one year,
2 without further hearing, in order to comply with this condition. During the extension, all original
3 conditions of probation will apply.

4 Except as provided above, the Board shall not renew or reinstate the license of any
5 Respondent who has failed to pay all the costs as directed in a Decision.

6 13. **License Surrender.** During probation, if Respondent ceases practicing
7 due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation,
8 Respondent may surrender his license to the Board. The Board reserves the right to evaluate
9 Respondent's request and to exercise its discretion whether to grant the request without further
10 hearing. Upon formal acceptance of the tendered license, Respondent will no longer be subject
11 to the conditions of probation.

12 Surrender of a Respondent's license shall be considered a disciplinary action and
13 shall become a part of Respondent's license history with the Board. A licensee who surrenders
14 his license may petition the Board for reinstatement no sooner than the following minimum
15 periods from the effective date of the disciplinary decision for the surrender:

16 -Three (3) years for reinstatement of a license surrendered for any reason other
17 than a mental or physical illness; or

18 -One (1) year for a license surrendered for a mental or physical illness.

19 14. **Violation of Probation.** If Respondent violates the conditions of his
20 probation, the Board, after giving the Respondent notice and an opportunity to be heard, may set
21 aside the stay order and impose the stayed discipline (revocation) of the Respondent's license. If
22 during probation, an accusation or petition to revoke probation has been filed against the
23 Respondent's license or the Attorney General's Office has been requested to prepare an
24 accusation or petition to revoke probation against the Respondent's license, the probationary
25 period shall automatically be extended and shall not expire until the accusation or petition has
26 been acted upon by the Board.

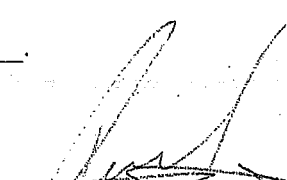
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Manuel H. Miller. I understand the stipulation and the effect it will have on my Vocational Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Vocational Nursing and Psychiatric Technicians.

DATED: 2/4/09


ARNO NAZARYAN
Respondent

I have read and fully discussed with Respondent the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/4/09


MANUEL H. MILLER
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians.

DATED: 2/6/09

EDMUND G. BROWN JR., Attorney General
of the State of California

KAREN B. CHAPPELLE
Supervising Deputy Attorney General



GLORIA A. BARRIOS
Supervising Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2007601567
NAZ.STIP.WPD

Exhibit A

Accusation No. VN-2006-2202

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General

3 GLORIA A. BARRIOS, State Bar No. 94811
Supervising Deputy Attorney General

4 California Department of Justice
300 So. Spring Street, Suite 1702

5 Los Angeles, CA 90013
Telephone: (213) 897-5845

6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2006-2202

13 **ARNO NAZARYAN**
8410 Springford Drive
Sun Valley, CA 91352

A C C U S A T I O N

14 Vocational Nurse License No. VN 226148

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
20 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
21 Nursing and Psychiatric Technicians (Bureau), Department of Consumer Affairs.

22 2. On or about March 6, 2007, the Bureau issued Vocational Nurse License
23 No. VN 226148 to Arno Nazaryan, (Respondent). The Vocational Nurse License was in full
24 force and effect at all times relevant to the changes brought herein and will expire on June 30,
25 2010, unless renewed.

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1 7. Section 490 of the Code provides, in pertinent part, that the Bureau may
2 suspend or revoke a license when it finds that the licensee has been convicted of a crime
3 substantially related to the qualifications, functions or duties of a licensed vocational nurse.

4 8. California Code of Regulations, title 16, section 2521, states:

5 “For the purposes of denial, suspension, or revocation of a license pursuant to
6 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or
7 act shall be considered to be substantially related to the qualifications, functions or duties of a
8 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a
9 licensed vocational nurse to perform the functions authorized by his license in a manner
10 consistent with the public health, safety, or welfare.”

11 9. Section 125.3 of the Code provides, in pertinent part, that the Bureau may
12 request the administrative law judge to direct a licensee found to have committed a violation or
13 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
14 and enforcement of the case.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Conviction of a Substantially Related Crime)**

17 10. Respondent is subject to disciplinary action under section 2878,
18 subdivision (f) and 490 of the Code, as defined California Code of Regulations, title 16, section
19 2521, in that Respondent was convicted of a crime substantially related to the qualifications,
20 functions or duties of a licensed vocational nurse, as follows:

21 a. On or about October 12, 2007, Respondent was convicted by the Court on
22 a plea of nolo contendere for violating one count of Penal Code section 415 (2), (causing loud
23 noise), a misdemeanor, in the Superior Court of California, County of Los Angeles, Glendale
24 Jurisdictional District, Case No. 7GN03724 entitled *The People of the State of California v. Arno*
25 *Nazaryan*.

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1 b. The circumstances surrounding the conviction are that on or about May
2 22, 2007, Respondent, maliciously and willfully disturbed another person by loud and
3 unreasonable noise.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Dishonest Act)**

6 11. Respondent is subject to disciplinary action under section 2878,
7 subdivision (a) and (j) of the Code, on the grounds of unprofessional conduct, in that on or about
8 May 22, 2007, while employed as an in-home care nurse, in Glendale, California, Respondent,
9 committed an act involving dishonesty, by stealing money and personal property from victim,
10 Sharon F.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

13 12. Respondent is subject to disciplinary action under section 2878,
14 subdivision (a) and (d) of the Code, on the grounds of unprofessional conduct, in that on or about
15 May 22, 2007, Respondent engaged in unprofessional conduct. Complainant refers to, and by
16 this reference incorporates the allegations set forth above in paragraphs 10 and 11, inclusive, as
17 though set forth fully.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Bureau issue a decision:

21 1. Revoking or suspending Vocational Nurse License No. 226148 issued to
22 Arno Nazaryan.

23 2. Ordering Arno Nazaryan to pay the Bureau the reasonable costs of the
24 investigation and enforcement of this case, pursuant to Business and Professions Code section
25 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: August 22, 2008



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Bureau of Vocational Nursing and Psychiatric Technicians
State of California
Complainant

LA2008600430
NAZACC:WPI
ST (5-7-08)